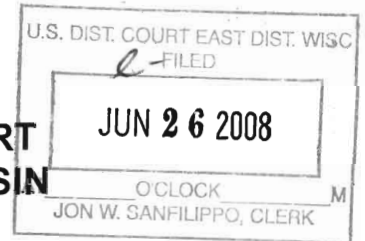


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN



JUAN M. MENDEZ,  
Plaintiff,

v.

Case No. 08-C-0314

WISCONSIN GRAIN PRODUCERS, LLC,  
Defendant.

**DECISION AND ORDER**

Plaintiff Juan M. Mendez filed the present civil action on April 15, 2008. On May 5, 2008, plaintiff filed an expedited motion to transfer this case to the United States District Court for the Western District of Wisconsin. Defendant Wisconsin Grain Producers, LLC never responded to that motion but, on June 17, 2008, filed its own motion to dismiss or transfer the case to the Western District. Thus, both parties agree that this District is not a proper venue but that the Western District is.

Based on the parties' agreement, I find that the present District is the wrong venue for this action, but that the action could have been brought in the Western District of Wisconsin. I find that it is in the interest of justice to transfer this case to the Western District rather than dismiss it. The case will be transferred pursuant to 28 U.S.C. § 1406(a).

**THEREFORE, IT IS ORDERED** that plaintiff's 7.4 expedited non-dispositive motion is **GRANTED**.

**IT IS FURTHER ORDERED** that defendant's motion to dismiss is **DENIED** but that its alternative motion to transfer is **GRANTED**.

**FINALLY, IT IS ORDERED** that the clerk of court shall transfer this case to the United States District Court for the Western District of Wisconsin.

Dated at Milwaukee, Wisconsin, this 26 day of June, 2008.



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LYNN ADELMAN  
District Court Judge